

**TOWN OF LAUDERDALE-BY-THE-SEA
TOWN COMMISSION
REGULAR MEETING MINUTES
Jarvis Hall
4505 Ocean Drive
Monday, September 26, 2016
6:30 PM**

1. CALL TO ORDER, MAYOR SCOT SASSER

Mayor Scot Sasser called the meeting to order at 6:30 p.m. Also present were Vice Mayor Mark Brown, Commissioner Alfred "Buz" Oldaker, Commissioner Elliot Sokolow, Commissioner Chris Vincent, Town Manager Bud Bentley, Assistant Town Manager Tony Bryan, Development Services Director Linda Connors, Town Attorney Kathy Mehaffey, Finance Director Lisa Fuentes, Municipal Services Director Don Prince, Special Projects Coordinator Debbie Hime, Public Information Officer Steve d'Oliveira, and Town Clerk Tedra Allen.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INVOCATION

Pastor James Corgie gave the Invocation.

4. ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS

Vice Mayor Brown requested that Item 13b be heard prior to Item 13a.

5. PRESENTATIONS

**a. Proclamation in Recognition of the 25th Anniversary of the DFLTMA
(Vice Mayor Brown)**

Vice Mayor Brown introduced Robyn Chiarelli, Executive Director of the Downtown Fort Lauderdale Transportation Management Association (DFLTMA), a nonprofit organization which operates the Sun Trolley. Mayor Sasser read a Proclamation in honor of the organization's contributions to the community.

6. PUBLIC COMMENTS

At this time Mayor Sasser opened public comment.

Edmund Malkoon, resident, addressed Item 13b, stating that he is not in favor of the proposed purchase of the Majestica Apartments. He did not feel the proposed parking lot at this location was necessary to the Town, as there are other Town-owned areas

and rights-of-way that could add parking at a lower cost. He concluded that the Commission should not purchase the subject property at this time while they investigate other options and their effects.

Paul Novak, resident, encouraged the Town to buy the subject property in Item 13b, stating that other Town parking areas are scattered in multiple locations that are difficult for visitors to find. He felt another lot was particularly needed during the winter months and would help attract new businesses to the Town.

Bill Ciani, property owner, also encouraged the Town Commission to purchase the subject parcel noted in 13b, as the Town owns other adjacent parcels and its addition may increase their total value. He added that Town businesses hear many complaints from customers about the lack of parking. He concluded that consolidating parking in a single area reduces nuisance traffic driving throughout the Town.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

7. PUBLIC SAFETY DISCUSSION

a. VFD August 2016 Report (Chief Judson Hopping)

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

8. TOWN MANAGER REPORT

a. August Finance Report (Lisa Fuentes, Finance Director)

The Commissioners accepted the report without discussion.

b. Town Manager Report (Bud Bentley, Town Manager)

Town Manager Bud Bentley reported that BSO Captain Fred Wood will retire as of Friday, September 30, 2016 after 26 years of service. On behalf of the Town, he expressed appreciation to Captain Wood for his service to Lauderdale-By-The-Sea. Captain Tom Palmer will serve as the new District Chief of the Town.

Town Manager Bentley continued that Christmas-By-The-Sea will be held on December 7, 2016, at 5:30 p.m. Sponsorship and vendor package information has been mailed out and is available on the Town's website as well.

Vice Mayor Brown stated that he would like to see the Town's Wikipedia profile updated, as it does not include current Commissioners or Town Staff. He requested that a member of Town Staff follow up on this issue.

Vice Mayor Brown also asked that Staff review landscaping in the Town Hall parking lot and consider replacing the privacy barrier, as it can impede visibility to cars leaving the lot for Ocean Drive.

Commissioner Sokolow requested an updated completion date for the El Mar public restroom project. Town Manager Bentley estimated that the project would be complete at the end of November or early December 2016, weather permitting.

9. TOWN ATTORNEY REPORT

None.

10. APPROVAL OF MINUTES

- a. September 12, 2016 Special Town Commission Meeting (1st Public Budget Hearing) Minutes (Tedra Allen, Town Clerk)**
- b. September 12, 2016 Town Commission Meeting Minutes (Tedra Allen, Town Clerk)**

Commissioner Vincent made a motion, seconded by Commissioner Oldaker, to approve. Motion carried 5-0.

11. CONSENT AGENDA

Commissioner Oldaker requested that Item 11a be pulled from the Consent Agenda for further discussion. Mayor Sasser requested that Item 11b also be pulled.

- a. Sewer Point Repairs and Lateral Lining on Poinciana Street (Don Prince, Municipal Services Director)**

Municipal Services Director Don Prince stated that \$630,000 has been budgeted for sewer main lining in fiscal year (FY) 2015/16, with an additional \$575,000 budgeted to finish the project in FY 2016/17. Staff will also analyze laterals and present a plan on this lining project to the Commission during the next fiscal year. There are 1100 laterals within the Town, not all of which require completion in one year.

Commissioner Oldaker continued that the Town is only responsible for a small portion of laterals connecting to the main sewer line, as others are the property owners' responsibility. He cautioned property owners that their lines may also be old and therefore in need of repairs.

Commissioner Oldaker made a motion, seconded by Commissioner Vincent, to pass the Item. Motion carried 5-0.

b. Extension of the Town's License to Benihana to Use Properties on West Tradewinds Avenue (Bud Bentley, Town Manager)

Town Manager Bentley advised that the Town's license provides for use of Town property on the east and west sides of Tradewinds Avenue. Development Services Director Linda Connors stated that Benihana has been cited for two infractions: the condition of the building, which has since been corrected, and address of drainage in the swale and cleanup of the dumpster area. The business has submitted plans for these improvements and has been allowed 60 days for permitting and construction, with a fine of \$100/day if they do not come into compliance.

Development Services Director Connors explained that if the business does not continue to maintain its property, it will be given a violation. No fines are presently accumulating.

Town Manager Bentley explained that due to the time it has taken the business to come into compliance in the past, the Town hopes to impress upon them the importance of compliance. Staff's recommendation is that the license be extended as requested, but that the Town Manager also provide termination notice, as the Town hopes to see the business improve its appearance. Should the business take more than six months to comply, the license would be terminated.

Mayor Sasser pointed out that there has been discussion of considering a parcel currently used by Benihana for a parking deck or decks. He asked if the Commission objected to having Town Staff look into this possibility.

Commissioner Sokolow noted that the agreement gives the business access to most of its parking lot, and asked if the termination clause would allow the Town to terminate the agreement at will. Town Manager Bentley clarified that if the Town chose to terminate the agreement, the reason would be public purpose.

Vice Mayor Brown recalled that there have been complaints from neighbors of the property for several months, while the business did not seem to take adequate steps to address the problem. Development Services Director Connors advised that if a permit is issued, the business has 60 days to come into compliance or a fine of \$100/day will begin to accrue. Compliance will include construction and building plans for the property.

It was clarified that approval of the Item would include the following conditions:

- Approve the First Amendment to the license agreement;
- Authorize the Town Manager to provide notice of termination of the license agreement; and

- Authorize the Town Manager to withdraw the termination notice once the Applicant brings the existing Code violation into compliance and pays any applicable Code fines and administrative costs.

Motion made by Commissioner Sokolow, seconded by Commissioner Oldaker, to approve Staff recommendations, which include extending the agreement, effective October 1, and immediately terminating it with six months' notice until the Applicant comes into compliance. Motion carried 5-0.

- c. Five Year Contract for Fire Services with the Lauderdale-By-The-Sea Volunteer Fire Department (Tony Bryan, Assistant Town Manager)**
- d. Police Services Agreement with the Broward Sheriff's Office (Bud Bentley, Town Manager)**

Commissioner Vincent made a motion, seconded by Commissioner Sokolow, to approve Items 11c and 11d. Motion carried 5-0.

12. OLD BUSINESS

None.

13. NEW BUSINESS

b. Uber Promotional Weekend (Vice Mayor Brown)

Vice Mayor Brown characterized Uber's ride sharing service as a hallmark of the current and future economy, noting that other municipalities, such as Longwood, have entered into a service agreement with Uber in which the town pays 25% of the cost of any rides by residents within their borders. He suggested offering a similar subsidy to bring visitors from outside Lauderdale-By-The-Sea into the Town. Town businesses would also offer discounts to these visitors.

Vice Mayor Brown estimated that it could take up to a month to determine the details of the proposed promotional weekend. He asked the Commission to consider this event for the second weekend in October.

The Commissioners discussed the proposal, with Mayor Sasser emphasizing the need to mitigate any risk to the Town while planning the event. He spoke positively of bringing more visitors to the Town without adding to parking issues. Commissioner Sokolow raised questions, however, pointing out that subsidizing Uber is not the same as subsidizing the Sun Trolley and Pelican Hopper, as Uber is a for-profit organization. He concluded that Uber is already used by both visitors and residents, and that any proposed event would require significantly more review and planning.

Commissioner Vincent added that he was also not certain Uber could sufficiently address the Town's parking issues. He emphasized the importance of providing enough parking during the tourist season in order to keep Town businesses alive. Commissioner Oldaker recommended further discussion at a later date before proceeding with any Town investment.

The Commissioners did not arrive at consensus to proceed with the proposed promotional weekend at this time.

a. Public Hearing – Purchase of the Majestica Apartments, 4410 Bougainvillea Drive (Tony Bryan, Assistant Town Manager)

Town Manager Bentley recalled that over the past six years, the Town Commission gave Staff direction for the modernization and expansion of Town parking. This included more pay stations, increased rates, and the improvement of Commercial Boulevard. In 2014, funds were budgeted for a Parking Strategic Study, which determined that the Town could build a parking garage on its A1A lot and add 240 spaces. However, there were also concerns for how a parking structure would affect the Downtown area.

Town Manager Bentley continued that the Commission has acknowledged that the Town's parking system cannot afford to build a garage. Instead, they charged Staff with creating 100 parking spaces over the next two years. Although the South Ocean Lot has been acquired, no other parking area has been identified except the lot on which the Majestica Apartments are located. With the assistance of the Town Engineer and Town Attorney, two scenarios were developed for this lot.

At this time Mayor Sasser opened public comment.

Dave Ogle, resident, asserted that there is no shortage of parking spaces in the Town, as most lots are only full during weekend hours. He felt the Town should not contribute to the shortage of affordable apartments for its residents by replacing the Majestica building with a parking area. He emphasized the contribution of residents to the Town's economy.

Dawn Palughi stated that she is a resident of the Majestica Apartments. She pointed out that the proposed lot would create only 31 spaces. She also asked if the apartments' residents would be provided with assistance from the Town in finding new rental housing if the Town purchases the subject parcel.

Ron Piersante, resident, advised that he was in favor of the Town's purchase of the property, which would be paid for by the Parking Fund and not by taxpayer money. He felt this was a logical use of Parking Fund dollars and asserted that there is insufficient parking in the Town during the tourist season.

Samantha Marchand stated that she is a resident of the Majestica Apartments and would be displaced if the Town purchased the subject property. She pointed out that there are few businesses in the subject area that would benefit from the proposed lot. She felt the vision of the Commission would be short-sighted if it does not take residents into greater account.

With no other individuals wishing to speak at this time, Mayor Sasser closed public comment.

Town Manager Bentley advised that the contract before the Commission has a closing date of August 1, 2017, which would provide some time for residents of the Majestica Apartments to relocate. He added that the apartment building itself is for sale, with no guarantee that rents would remain the same under a new purchaser.

Commissioner Sokolow stated that he was in favor of the proposed purchase, which would complete a large parcel owned by the Town within proximity of the Downtown area. He also felt the location could eventually serve as the site for a parking garage, and characterized the purchase as an opportunity for the Town.

Vice Mayor Brown commented that he was troubled by the proposed price, which is roughly \$152,000 over the average appraisal price. He urged the Commission to purchase the property at the average appraisal rate of \$2,547,500, which would only require a 3-2 or greater majority vote, while moving to offer the asking price would require a 4-1 or greater majority.

Commissioner Oldaker observed that the proposed purchase would beautify a portion of the Town where congestion currently exists, make it a more pedestrian-friendly area, and address the west side of Commercial Boulevard. He noted that the property is for sale, irrespective of whether or not the purchaser is the Town.

Commissioner Vincent stated that purchasing alternative properties would create hardship for businesses that would be forced to relocate. He pointed out that Town Staff has worked diligently in the past to acquire parcels that resulted in a relatively small number of parking spaces. He characterized the subject property as a strategic purchase.

Mayor Sasser felt the proposed purchase would add to a very difficult lot to enter and exit at the busiest pedestrian crossing in Broward County. He expressed concern with the addition of congestion to this area, although he agreed that the purchase of contiguous land made sense from all perspectives. He concluded that there are good arguments on both sides of this issue, and suggested that conditions could be placed on the purchase to ensure a more positive outcome.

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Vice Mayor Brown made a motion, seconded by Commissioner Vincent, to make an offer to purchase the property at the average appraisal rate of \$2,547,500. Motion carried 4-1 (Commissioner Sokolow dissenting).

Town Manager Bentley concluded that if the seller does not accept the Town's offer, the Item is unlikely to come back before the Commission.

14. COMMISSIONER COMMENTS

None.

15. ORDINANCES

Ordinances 1st Reading

None.

Ordinances 2nd Reading

None.

16. RESOLUTIONS – PUBLIC COMMENTS

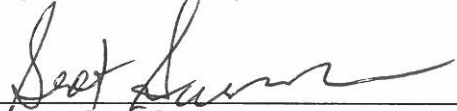
None.

17. QUASI JUDICIAL PUBLIC HEARINGS

None.

18. ADJOURNMENT

With no further business to come before the Commission at this time, the meeting was adjourned at 8:28 p.m.



Mayor Scot Sasser

ATTEST:



Town Clerk Tedra Allen

10-25-16

Date